



Housing Policy and Practices Advisory Group

Housing Planning and Practices Advisory Subcommittees Issue Synopsis and Recommendations

Subcommittee: Public Participation

Group Purpose: The Public Participation subcommittee's charge is to develop criteria to describe/determine "diligent efforts."

Summary: The public participation subcommittee held two calls (Feb 4 and March 4). From the first call, ideas were developed and discussed in the second call. The group focused on the three stages of *Public Participation* including:

- Development of a draft housing element
- Revisions to the draft housing element prior to submission to HCD for review
- Revisions to the draft and/or adopted housing element during and after the review by HCD

These three stages of public participation were expanded into several proposals. Those proposals that achieved consensus are outlined below.

Issues Discussed:

- Comments received prior to availability of the draft housing element are not incorporated into the element. Overall improvements are needed in the incorporation of comments from the community, government staff and stakeholders, including community housing organizations.
- Improvements are needed to increase access to the draft element, including location of workshops, scheduled meeting times, involvement of all economic segments (or their representatives) and language barriers.
- Provision of adequate time between the various stages of the draft housing element preparation, review, revisions, review and adoption.
- Potential lack of uniform process – workshop, draft element preparation, review, planning commission, city council/board of supervisors, HCD, review of revisions, adoption of element
- Potential requirements for public comment prior to HCD review.
- Consideration of third party comments and revisions during HCD review.

Proposals with Consensus:

A) Add the following to HCD Guidance Documents:

Diligent Effort: The housing element must “*include a diligent effort by the local government to achieve public participation of all economic segments of the community in the development of the housing element, and the program shall describe this effort.*”¹

1. Make a “diligent effort” to achieve public participation at each of the three stages of the development of the housing element:
 - Development of the draft
 - Revisions to the draft element prior to submission to HCD
 - Revisions to the draft after review by HCD prior to final adoption of housing element
2. Seek input to the housing element early in the development, implementation, and oversight stages; including housing needs and conditions information from a wide variety of housing consumers and service providers.
3. Invite groups that include and represent “all economic segments of the community” including, but not limited to:
 - Non-profit and for-profit builders
 - Church groups
 - Community housing organizations
 - Social service providers
 - Language groups
 - Chamber of Commerce
 - Tenants in units at-risk of conversion to market-rate housing
 - Business groups concerned about housing for employees
 - Youths
 - Mental health service providers
 - Legal Services
 - People with special needs
4. Inform community (create interest list) of upcoming community workshops and study sessions/public hearings. Schedule community workshops at times, days, and locations to maximize public input (e.g. evenings, weekends)
5. Choose locations for meetings where groups listed in #3 hold meetings

¹ Gov’t Code § 65583(c)(8)

6. Provide meaningful language access at each stage of the development of the draft. For example, could include interpretation services at meeting or translation of documents.
7. Afford sufficient time to allow for meaningful review, comment, and revision of the draft housing element, after release for public review and before submittal to HCD.²
8. Share local government's response to public input in draft housing element
9. During HCD review of a draft housing element, a local government may make changes to the draft. Sometimes these changes are made in response to comments or questions from HCD. Other times, the local government initiates these changes. If the local government's initiated changes significantly modify the original draft, best practice is to provide the public review with an opportunity for meaningful review, comment, and revision of the initiated changes.
10. Review, and incorporate as appropriate, procedures and practices from jurisdictions highlighted on HCD website.

B) Recommend Legislative change to Government Code Section 65585:

Require the local government to provide a 45-day period for public review of the administrative draft before submittal to HCD.

C) Increase Transparency in the Review process as part of HCD practice:

HCD to forward all third-party comments submitted to HCD to the city or county. HCD will also forward all subsequent communications concerning housing element sufficiency and revisions to housing element to both the third party commenters and the city or county.

² Please see proposed amendment to Government Code 65585.